

AO 91 (Rev. 5/85) Criminal Complaint

United States District Court

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

ASIF MAHMOOD

CASE NUMBER: 05MJ 633

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 17, 2004, to the present in Hampden county, in the

District of Massachusetts defendant(s) did, (Track Statutory Language of Offense)

engage in marriage fraud for the purpose of evading the immigration laws of the United States

in violation of Title 8 United States Code, Section(s) 1325(c)

I further state that I am a(n) Special Agent of ICE and that this complaint is based on the following facts:
Official Title

See attached affidavit.

Continued on the attached sheet and made a part hereof:

☒ Yes

☐ No


Signature of Complainant

Sworn to before me and subscribed in my presence,

06-23-2005

Date

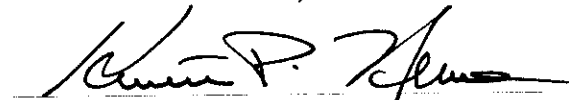
at

Springfield, MA

City and State

Kenneth P. Neiman
U.S. Magistrate Judge

Name & Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

I, Mary A. Geha, state as follows:

1. I am a Special Agent with United States Immigration and Customs Enforcement under the Department of Homeland Security (ICE). I have been so employed since March of 2003. Prior to March of 2003, I was employed as an Immigration Inspector at Logan International Airport in Boston, Massachusetts with the former United States Immigration and Naturalization Service (INS) from April of 2001, until March of 2003. I have participated in investigations involving various criminal and administrative violations of federal immigration laws. I am currently assigned to the Hartford, Connecticut Resident Agency (RAC-Hartford), Springfield, Massachusetts Group, where I am responsible for investigating, among other things, benefit fraud relating to the Immigration and Nationality Act (INA).

2. I am an investigative or law enforcement officer of the United States and am empowered by law to conduct investigations and to make arrests for federal offenses.

3. I make this affidavit in support of an application for an arrest warrant for Asif Mahmood, who has engaged in marriage fraud for the purpose of evading the immigration laws of the United States in violation of 8 U.S.C. § 1325(c).

4. I am personally participating in the investigation of Asif Mahmood. The facts comprising the basis for this affidavit are derived from the following sources:

a. oral and written reports of other law enforcement officers;

b. records obtained from several different federal government computer databases;

c. information obtained from Asif Mahmood's immigration alien file; and

d. statements made by Asif Mahmood and other witnesses.

5. Unless otherwise noted, all statements set forth in this affidavit that are attributed to sources of information are stated in substance and part. This affidavit is being submitted for a limited purpose; therefore I have not included each and every fact that I know concerning the investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause for the arrest warrant sought by this application.

6. Based on the evidence which follows, I submit that there is probable cause to believe that Asif Mahmood, being an alien, is attempting, or has attempted, to procure lawful permanent resident status from the Department of Homeland

Security by engaging in a sham marriage to a United States citizen for the sole purpose of obtaining lawful permanent resident status. To that end, Asif Mahmood has submitted a fraudulent application to the Department of Homeland Security in furtherance of this illegal scheme.

7. Asif Mahmood is a citizen and national of Pakistan, born on August 28, 1968, in Lahore, Pakistan. No evidence has been found that Asif Mahmood has ever been granted United States citizenship.

8. Asif Mahmood last entered the United States on September 19, 2000, through New York, New York. At that time, Asif Mahmood was admitted to the United States as a B1, nonimmigrant visitor for business.

9. On July 17, 2004, Asif Mahmood married Miriam Santos, a United States citizen, in Springfield, Massachusetts. The Commonwealth of Massachusetts subsequently issued a certificate of marriage, documenting this marriage.

10. On July 21, 2004, Asif Mahmood signed INS form I-485, Application to Register Permanent Resident or Adjust Status. This form is commonly used by aliens who wish to adjust their immigration status to that of a lawful permanent resident alien. On August 3, 2004, this form I-485 was received by the Department of Homeland Security, Citizenship and Immigration

Service (CIS). Asif Mahmood filed this application in order to adjust his status to that of a lawful permanent resident alien based on his marriage to a United States citizen.

11. On July 21, 2004, Miriam Santos signed INS form I-130, Petition for Alien Relative. This form is commonly used by persons who wish to petition the United States government for an immigrant visa and/or the granting of lawful permanent resident status for an alien relative. On August 3, 2004, this form I-130 was received by CIS. Miriam Santos filed this application on behalf of her husband, Asif Mahmood.

12. On March 24, 2005, Asif Mahmood and Miriam Santos appeared together for a prescheduled interview before a District Adjudications Officer with Citizenship and Immigration Services under the Department of Homeland Security in Boston, Massachusetts. These interviews are commonly scheduled by Citizenship and Immigration Services to assist the adjudicating officer in determining if the claimed relationship between the petitioner and the beneficiary of an immigration application is bonafide and/or if the application can otherwise be approved. Subsequent to this interview, the District Adjudications Officer continued the I-130 petition and I-485 application to adjust status, and requested that Asif Mahmood and Miriam Santos provide additional information in support of the application.

13. In approximately April of 2005, ICE RAC-Hartford, Springfield Group, Special Agents received information from the Springfield Resident Agency of the Federal Bureau of Investigation (FBI) regarding Asif Mahmood. This information described a complaint call that the FBI had received on October 20, 2003, from Nicole Livingston. Livingston advised that her boyfriend, Asif Mahmood, had offered her \$2,500 to marry him so that he could become a U.S. citizen. This complaint also indicated that Asif Mahmood was residing at 748 Alden Street, Springfield, Massachusetts.

14. On April 19, 2005, ICE Special Agents from RAC-Hartford, Springfield Group, including myself, located and interviewed Asif Mahmood at 748 Alden Street, Springfield, Massachusetts. During the course of this interview, Asif Mahmood provided a sworn written statement, given under oath, regarding his marriage to Miriam Santos. In part, Asif Mahmood stated that a man named "Bernard" told him about a woman named Miriam Santos who would help him with his immigration papers. "Bernard" said that it would cost Asif Mahmood \$5,000-\$6,000 for Miriam Santos to help him with his immigration papers. Asif Mahmood stated that he paid a total of \$2,500 to Miriam Santos' friend, "Maria," of which \$2,000 was paid on July 17, 2004, the wedding day. On the drive back from the immigration interview

in Boston on March 24, 2005, Asif Mahmood told Miriam Santos that he would pay her an additional \$2,000 when he receives his "green card". Asif Mahmood provided this written statement to the agents after having been advised of his Constitutional (Miranda) rights. After providing the statement, Asif Mahmood was given the opportunity to review the statement, said it was true and correct, and then signed the bottom of it.

15. On April 29, 2005, ICE Special Agents from RAC-Hartford, Springfield Group, located and arrested Asif Mahmood pursuant to administrative immigration charges. Agents served Asif Mahmood with a Notice to Appear (NTA). This NTA alleged, in part, that Asif Mahmood was removable from the United States because he procured his admission, visa, adjustment, or other documentation or benefit by fraud or by willfully misrepresenting a material fact, to wit: Asif Mahmood paid Miriam Santos, a United States citizen, a sum of \$2,500 between June 2004 to July 17, 2004, to marry him for the purpose of obtaining lawful permanent resident status in the United States. This is in violation of Section 237(a)(1)(A) of the Immigration and Nationality Act (INA), as amended.

16. On May 12, 2005, I interviewed Asad Mahmood (no relation to Asif Mahmood) at the ICE RAC-Hartford office, 450 Main Street, Room 522, Hartford, Connecticut. Asad Mahmood had

been identified as Asif Mahmood's former roommate at 748 Alden Street, Springfield, Massachusetts. Asad Mahmood was accompanied by his attorney, Nawaz Wahla. During the course of the interview, Asad Mahmood stated that he has been living with Asif Mahmood at 748 Alden Street since approximately 2002. Asad Mahmood stated that in May or June of 2004, Asif told Asad that he got married. Asad stated that he has never met the woman that Asif married and that Asad has never seen this woman at the residence. Furthermore, Asad stated that he has never seen a female at the residence with Asif since Asif got married.

17. On May 23, 2005, Asif Mahmood appeared before an Immigration Judge in Boston, Massachusetts for a removal (deportation) hearing. Asif Mahmood was accompanied by his attorney, Nawaz Wahla. During the course of this removal hearing, Asif Mahmood, through his attorney, admitted to all of the removal allegations contained in the NTA. At the conclusion of the hearing, the Immigration Judge determined that Asif Mahmood is subject to removal from the United States on the charges in the Notice to Appear.

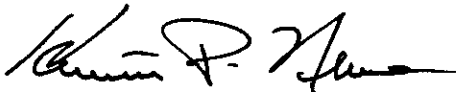
18. Based on the foregoing facts and my experience as an ICE Special Agent participating in this investigation, there is probable cause to believe, and I do believe, that Asif Mahmood

engaged in marriage fraud in violation of Title 8, United States Code, Section 1325(c).



Mary A. Geha
Special Agent, U.S. Immigration
and Customs Enforcement

Subscribed and sworn to before
me on June 23 2005.



Kenneth P. Neiman
United States Magistrate Judge